

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

The Trustees of the National Roofing Industry
Pension Plan,

Civil File No. 07-52 RHK/RLE

Plaintiffs,

vs.

ORDER

Herman Roofing, Inc., a Minnesota corporation,

Defendant.

TO: Herman Roofing, Inc., Defendant above-named, pro se:

A hearing was held on October 5, 2007 on Plaintiffs' Motion to Show Cause. Steven C. Kelly, Esquire, of Rosene, Haugrud & Staab, Chartered, appeared for Plaintiffs. There was no appearance for Defendant.

1. IT IS HEREBY ORDERED THAT YOU, DANIEL HERMAN, AS OWNER OF HERMAN ROOFING, INC., are in contempt of the Court's Order to Show Cause, dated September 7, 2007.
2. IT IS FURTHER ORDERED that you contact Plaintiffs' auditor, Mr. Robert Kraus of Wilson-McShane Corporation, at 952-851-3455, within twenty (20) days from the date that this Order is personally served upon you to make arrangements for a fringe benefit payroll audit for the time period of May 1, 2005 through the present.
3. IT IS FURTHER ORDERED that if Defendant fails to comply with a fringe benefit payroll audit within twenty (20) days from the date of personal service of this Order, then Plaintiffs shall file an

Affidavit of Non-Compliance with the Court, and the Court shall hold Mr. Daniel Herman, as owner of Herman Roofing, Inc., in contempt of this Order. Additionally, the Court shall issue Bench Warrant for the Arrest of Mr. Daniel Herman, as owner of Herman Roofing, Inc.

4. Let this Order be served on Daniel Herman, as owner of Herman Roofing, Inc., personally by giving him a certified copy of the same.

Dated: October 9, 2007

BY THE COURT:

s/Richard H. Kyle

RICHARD H. KYLE

United States District Judge